THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 20258 of 2003

O r d e r:

Assailing the action of the respondents in denying employment to the petitioner on compassionate grounds, he filed the present writ petition.

The petitioner's mother during the course of her employment with the respondent-Bank died. The petitioner being the dependant and legal heir, and claiming that he has no source of livelihood, made representation dated 17.10.2001 to the respondent-Bank seeking compassionate appointment. However, by orders dated 24.07.2003, the respondent-Bank informed the petitioner that his request for compassionate appointment, was rejected. Assailing the said order, the petitioner filed the present writ petition.

The learned counsel for the petitioner submitted that the petitioner being one of the dependants of his mother, and he having no other means of livelihood, having regard to the Scheme for Appointment of Dependants of the Deceased Employees on Compassionate Grounds, which *inter alia* relaxes the age limit and other eligibility criteria in the case of dependants of deceased employees, and lays down the terms and conditions for considering the requests for compassionate employment, made a representation seeking compassionate appointment, but the respondent-Bank without considering the case of the petitioner in terms of the above scheme, has rejected his request, which is illegal and arbitrary.

The respondents filed detailed counter, and though the learned Standing Counsel for the respondents reiterated the stand taken by the

respondents in the counter, he admitted that the impugned order dated 24.07.2003 passed by the respondent-Bank is bereft of any reason and that it merely informs the resolution of the Board, and that even the counter does not explain the reasons.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Bank.

By reason of the order impugned in this writ petition, the petitioner was informed by the Chairman of the Bank that the Board examined the matter in tune with the guidelines governing the Scheme for Appointment of Dependants of Deceased on Compassionate Grounds, and that the Board passed the following resolution:

> "The Board of Directors applied their mind and perused the note and other relevant information and collectively decided there is no merit to consider compassionate appointment".

The above order, does not speak as to what was the material, the Board has considered while rejecting the request of the petitioner for compassionate appointment. The counter-affidavit, as admitted by the respondent, is also silent as to on what material the Board of Directors have applied their mind to reject the request of the petitioner for compassionate appointment, and more so when the Scheme for compassionate appointment, prescribes several parameters for considering the requests of compassionate appointment. Since neither the impugned order nor the counter filed by the respondent-Bank explains as to what material the Board of Directors have considered for rejecting the request of the petitioner for compassionate appointment, except stating that it was considered in tune with the scheme, I am of the considered opinion that the impugned order cannot be sustained and is liable to set aside.

The impugned order passed by the respondent-bank, therefore, is set aside. The respondent-bank are directed to reconsider the

request of the petitioner for compassionate appointment in the light of the Scheme for Appointment of Dependants of Deceased on Compassionate Grounds, within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed with the above directions. No costs.

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N.V. RAMANA, J.

Dated: 12.10.2006
KSR